

Appl. No. 09/923,175
Dkt. No. TN134
May 19, 2008

MAY 19 2008**REMARKS**

Reconsideration and allowance of this application are respectfully requested in view of the following remarks.

Claims 101-138 are pending in this application.

In the Final Action, claims 101-138 were rejected by the Examiner under 35 U.S.C. 103(a) as follows:

Claims 101-126, 129, 134 and 136 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kavner in view of Kodaira.

Claims 127, 128, 130-133, 135, 137 and 138 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kavner in view of Kodaira as applied to claim 123 above, and further in view of Massa.

Applicant respectfully submits that the above 35 U.S.C. 103(a) rejections applied against the current claims 101-138 are in error.

The Claimed Invention

A particularly important feature of Applicant's claimed invention is that applications which incorporate physical network interfaces for computer-to-computer communications would not have to be modified for use with independent partitions within a partitioned computer which do not employ physical network connections for providing communication between applications running on different partitions.

As set forth in Applicant's claims (for example, see claim 101), the claimed invention takes advantage of a shared memory region of the computer system shared by

Appl. No. 09/923,175
Dkt. No. TN134
May 19, 2008

applications running on the partitions to establish an emulated network connection which emulates a physical external network so as to permit applications running on different partitions to communicate with each other via this emulated network connection using their physical network interfaces even though there is no physical network therebetween. Furthermore, this established emulated network connection is such that the receiving of a message by an application running on one partition from an application running on another partition via the emulated network connection appears as having been sent via an external physical network even though there is no external physical network. Thus, the emulated network connection facilitates the receiving as well as the sending of messages between the partitions even though there is no external physical network.

The Kavner, Kodaira and Massa patents will next be considered.

Kavner

Kavner discloses a very different system than that claimed by Applicant's invention. Rather than being concerned with the communication between network-configured applications running on the partitions of a partitioned computer system (where external networks are not provided between partitions). Kavner is directed to a system operable for accelerating network interaction between a client and server through intelligent caching, intelligent fetching and intelligent filtering of data. Clearly Kavner's "network" is an external network so that Applicant's problem of not having an external network for communicating between applications configured for network communications, is not present in the first instance.

Furthermore, the emulation referred to by Kavner (col. 13, lines 31-38) is not for permitting communication between network configured applications running on different partitions so that they can communicate with each other even though there is no external network present, as in applicant's claimed invention.. Rather, Kavner's emulation is for the purpose of more rapidly delivering a requested message to a user where the message

Appl. No. 09/923,175
Dkt. No. TN134
May 19, 2008

had been previously prefetched from the server. Note that transmission over Kavner's network occurs whether or not the requested message is obtained directly from the server or as a result of a previous prefetching from the server.

Additionally, it is to be noted that the Examiner on page 3 of the Final admits that "Kavner is silent with reference to establishing an emulated network connection between said first and second applications through a shared memory region of the computer system shared by said first and second partitions."

Still further, applicant respectfully submits that those rejections for which the Examiners relies on "official notice" for support are not sustainable since the Examiner has not met the requirements set forth in MPEP 2144.03 for using this basis for rejection.

From the foregoing, it should be evident that Kavner's disclosure and teachings are not sufficient to support the Examiner's rejections of claims 101-138, since Kavner is a necessary reference required for rejecting all of the claims. For this reason alone, all of Claims 101-138 are properly allowable.

Kodaira

Kodaira is also unrelated to the present invention in that it is directed to the very different purpose of providing a multi-processor simulation apparatus for testing and program bugging. Furthermore, Kodaira, like Kavner, does not in the first instance recognize either the problem or the novel implementation for solving the problem set forth in Applicant's claims.

While Kodaira refers generally to the use of a shared memory region in the simulation, it is not seen from the Examiner's references to Kodaira how this shared memory region discloses or teaches the emulated network connection defined in Applicant's claims, particularly since Kodaira does not state that emulation is provided. Furthermore, the combination of Kavner and Kodaira, which are unrelated to each other as

Appl. No. 09/923,175
Dkt. No. TN134
May 19, 2008

well as being unrelated to Applicant's claimed invention, cannot reasonably be considered as making obvious the invention defined by Applicant's claims, particularly in view of the deficiencies of Kavner explained above.

Massa

Like Kavner and Kodaira, Massa likewise provides no disclosure or teaching of the problem addressed by Applicant's claimed invention or its solution. While Massa mentions the use of a shared memory, such obviously cannot overcome the deficiencies already pointed out with Kavner and Kodaira.

Still further, applicant respectfully submits that those rejections for which the Examiner relies on "official notice" (without citing appropriate references) are not sustainable because the Examiner has not met the requirements set forth in MPEP 2144.03 for using this basis for rejection.

Comments on the Examiner's Response to Applicant's Arguments

As to point (1), the Examiner misinterprets claim 101 when he states that: "claim 101 includes a first and second applications configured to communicate with each other using a physical network and emulated network connection. If the instance application includes physical network and emulated network connection, why would it be out of place for the Kavner prior art to teach the same."

In fact, a careful review of claim 101 will reveal that claim 101 does not include a physical network for providing communication between applications running on different partitions. Note that claim 101 recites: "wherein said first and second applications are configured to communicate with each other via a physical network". The fact that the first and second applications are "configured to communicate with each other via a physical network" does not mean that a physical network is present. Thus, it is not correct to assume that a "physical network is present, particularly since claim 101, lines 6-7, lines 15-

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Appl. No. 09/923,175
Dkt. No. TN134
May 19, 2008

16 and lines 19-20 recite that there is no physical network". The Examiner is respectfully reminded that a primary purpose of the present invention is to provide for communication between applications running on separate partitions of a partitioned computer even though no physical network is present between these partitions.

As to points (2) and (3), it is not seen where the Examiner has adequately shown where or how "the Kavner prior art does teach emulation network connection for permitting communication between networks configured applications running on different partitions so they can communicate with each other," as stated by the Examiner.. This will become even more readily evident by referring to applicant's previous arguments made herein with respect to Kavner, Kodaira and Massa.

Conclusion

In view of all of the foregoing, applicant respectfully submits that all of claims 101-138 are properly allowable over any possible combination of the cited references.

Accordingly, Applicant respectfully requests that all of the pending claims 101-138 be allowed and a Notice of Allowance issued.

Respectfully Submitted,
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